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*FSB*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

R.S. COPPOLA TRUST – OCT. 19, 1995,  
 RALPH STEPHEN COPPOLA,

Plaintiffs,

v.

NATIONAL DEFAULT SERVICES;  
 WELLS FARGO BANK, N.A; WORLD  
 SAVINGS BANK, FSB; WACHOVIA  
 MORTGAGE, FSB; THE BANK OF NEW  
 YORK MELLON AS TRUSTEE FOR  
 SECURITIZED TRUST WORLD  
 SAVINGS BANK MORTGAGE PASS-  
 THROUGH CERTIFICATES REMIC 23  
 TRUST, AND DOES 1 THROUGH 100  
 INCLUSIVE,

Defendants.

Case No.: 3:21-cv-00281-MMD-WGC

**ORDER GRANTING MOTION TO  
EXTEND TIME TO RESPOND TO  
COMPLAINT**

**(SECOND REQUEST)**

Defendants Wells Fargo Bank, N.A.; World Savings Bank, FSB; and Wachovia Mortgage,  
 FSB (collectively, “Wells Fargo”), by and through their counsel, Snell & Wilmer L.L.P., hereby  
 submit this second motion to extend Wells Fargo’s deadline to respond to Plaintiffs R.S. Coppola  
 Trust – Oct. 19, 1995 and Ralph Stephen Coppola’s (collectively, “Plaintiffs”) First Amended  
 Complaint. [ECF No. 1-1.] This Motion is based upon the Memorandum of Points and Authorities

below, the Declaration of Jennifer L. McBee, Esq., the papers on file, and any oral argument that the court chooses to hear.

### **MEMORANDUM OF POINTS AND AUTHORITIES**

Pursuant to the Court's July 1, 2021 Order allowing Wells Fargo a 21-day extension to respond to the First Amended Complaint ("Extension Order"), Wells Fargo's present deadline to respond to the First Amended Complaint is Thursday, July 22, 2021. [ECF No. 6.] Following entry of the Extension Order, Plaintiffs informed the undersigned counsel of their intention to seek leave of Court to file a Second Amended Complaint, to which Wells Fargo has no objection. To avoid expending resources to respond to the First Amended Complaint – a pleading that will no longer be operative upon Plaintiffs' filing of a Second Amended Complaint – Wells Fargo requests a modest two-week extension to respond to the First Amended Complaint in the event Plaintiffs do not file a Second Amended Complaint.

In the event Plaintiffs file a Second Amended Complaint, Wells Fargo will file its response thereto within the time frame allotted in Federal Rule of Civil Procedure 15(a)(3). This request is supported by good cause and is not for the purpose of delay.

### **Relevant Background**

Plaintiffs filed their Complaint on February 5, 2021 but did not serve it. Months later, Plaintiffs filed a First Amended Complaint on May 26, 2021. [ECF No. 1-1.] The Complaint was served on Wells Fargo on June 4, 2021. (*See Exhibit A*, Declaration of Jennifer L. McBee, Esq. ("McBee Decl."), ¶ 3.) Wells Fargo removed the litigation to this Court on June 24, 2021. [ECF No. 1.]

Following a failed attempt to obtain a stipulation with Plaintiffs for a 30-day extension to respond to the First Amended Complaint, Wells Fargo filed a motion on June 30, 2021, requesting an extension until July 22, 2021. [ECF No. 5.] On July 1, 2021, this Court granted Wells Fargo's request, allowing Wells Fargo until July 22, 2021 to respond to the First Amended Complaint. [ECF No. 6.]

On July 12, 2021, Mr. Coppola informed the undersigned counsel of his intent to file a motion to amend the First Amended Complaint by July 15, 2021. (McBee Decl., at ¶ 4.) The

1 motion to amend has not yet been filed. Today, the undersigned counsel agreed to stipulate to the  
2 relief requested – the filing of a Second Amended Complaint – without endorsing the allegations  
3 contained therein or the correctness of the parties’ names that Plaintiffs intend to amend. (*Id.*, at  
4 ¶ 5.)

### 5 **Argument**

6 The decision to grant an extension or continuance is within the sound discretion of the trial  
7 court. *F.T.C. v. Gill*, 265 F.3d 944, 954-55 (9th Cir. 2001). Federal Rule of Civil Procedure 6(b)(1)  
8 provides that when an act must be done within a specified time, the Court “may, for good cause,  
9 extend the time . . . with or without motion or notice if the court acts, or if a request is made, before  
10 the original time or its extension expires . . . .”

11 This Court should grant Wells Fargo’s Motion because its request is reasonable and will  
12 avoid unnecessary duplication and expense. In the likely event the Court grants Plaintiffs’  
13 stipulated request to file a Second Amended Complaint, Wells Fargo’s response to the First  
14 Amended Complaint will be superseded, requiring Wells Fargo to respond to the Second Amended  
15 Complaint as well. A two-week extension will avoid the unnecessary expense involved in  
16 responding to two complaints, back-to-back, while the Court considers Plaintiffs’ request for leave  
17 to file a Second Amended Complaint.

18 Plaintiffs will not be prejudiced by an additional 14-day extension for Wells Fargo to  
19 respond to the First Amended Complaint, given that Mr. Coppola’s stipulated request to file a  
20 Second Amended Complaint is likely to be granted, rendering the First Amended Complaint  
21 inoperative.

22 Wells Fargo makes this request in good faith and not to delay these proceedings. Therefore,  
23 Wells Fargo respectfully requests that the Court grant this Motion, and allow Wells Fargo until  
24 August 5, 2021 to file a response to Plaintiffs’ First Amended Complaint. In the event Plaintiffs  
25 file a Second Amended Complaint, Wells Fargo will respond in compliance with Federal Rule of  
26 Civil Procedure 15(a)(3).

27  
28 ///

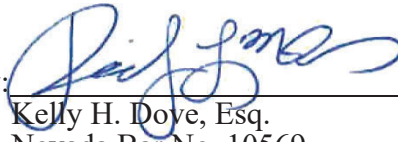
**Conclusion**

For the foregoing reasons, Wells Fargo respectfully requests an extension to respond to Plaintiffs' First Amended Complaint through and including August 5, 2021.

Dated: July 19, 2021

SNELL & WILMER L.L.P.

By:



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*Attorneys for Defendants Wells Fargo Bank, N.A.;  
World Savings Bank, FSB; and Wachovia Mortgage,  
FSB*

IT IS SO ORDERED.

DATED: July 20, 2021.



UNITED STATES MAGISTRATE JUDGE

Snell & Wilmer